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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,928	03/31/2004	Wolfgang Barbett	KN-71	7404

7590

09/21/2005

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Suite 910
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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/814,928	Applicant(s) BARBETT ET AL.	
	Examiner Aaron M. Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) filed 3/31/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 29924269.

In regards to claim 1, in Figures 3-7, DE 29924269 discloses an articulation sleeve for a clamp, the clamp comprised of a clamp strip having ends formed into closed loops, wherein the loops surround one of the articulation sleeves, respectively, extending through slots in the loops and articulation sleeves is rotatably supported during clamping with a screw head on a first one the articulation sleeves, wherein a nut that is screwed onto a threaded shaft the clamping screw and has a polygonal peripheral contour supported on secured against second one rotation because of a

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special shaping of the articulation sleeves and articulation sleeve; comprises: wherein the articulation sleeve sleeve member having coaxial holes provided wherein at least one clamping screw, through the diametrically opposed in the sleeve member of the articulation sleeve, wherein the least one clamping screw passes through the coaxial holes; wherein the opposed coaxial hole are identical and have a circular shape; wherein diameter the circular holes matches nearly a shaft diameter of the at least one wherein the sleeve member the sleeve clamping screw articulation direction transverse to a compressed longitudinal axis of the sleeve member adjacent the coaxial holes, at least within an area of a polygonal peripheral contour of the nut and a peripheral contour of the screw head; wherein the sleeve member sleeve has a wall area, adjoining the polygonal peripheral contour of the nut in the mounted state of the articulation sleeve, of the clamping screw, and of the nut, wherein the wall area is deformed to match the polygonal peripheral contour of the nut.

Note, the clamping screw is not part of the claimed invention.

In regards to claim 2, in Figures 3-7, DE 29924269 discloses polygonal peripheral contour of the nut is formed wherein the polygon by a polygonal section of the nut having a coaxial cylindrical projection, wherein the projection has an outer diameter that is smaller than diameter of a circumcircle the polygonal section and wherein the projection inserted with press into the coaxial holes.

In regards to claim 3, in Figures 3-7, DE 29924269 discloses the projection having an external securing rib extending peripherally and tapering toward a free end of

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the projection, wherein the securing rib arranged least one of the coaxial holes with press fit.

In regards to claim 4, in Figures 3-7, DE 29924269 discloses the securing rib having a knurled surface.

In regards to claim 5, in Figures 3-7, DE 29924269 discloses the nut having a thread extending into the projection.

In regards to claim 6, in Figures 3-7, DE 29924269 discloses the sleeve member of the articulation sleeve being formed of a sheet metal strip and wherein abutting longitudinal edges of the sheet metal strip are connected welding.

In regards to claim 7, in Figures 3-7, DE 29924269 discloses the sleeve member of the articulation sleeve being a pipe section that not welded.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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